

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA

VS.

MARTIN MARTINEZ-VALLADARES,

Defendant

NO. 5: 05-MJ-12-11 (CWH)

VIOLATION(S): 8 U.S.C. §1326

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), inquiry was made at the initial appearance of defendant MARTIN MARTINEZ-VALLADARES in the above-captioned case regarding the government's motion seeking his pretrial detention. Based upon the information provided to the court by the parties and in the Pretrial Services Report provided by the U. S. Probation Office, I conclude that the following facts require the detention of the above-named defendant pending trial in this case.

PART I - FINDINGS OF FACT

There is a serious risk that this defendant will not appear for further proceedings should he be released from custody at this time. He is a citizen of Mexico with no ties to the Middle District of Georgia.

PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the information provided by the U.S. Probation Office and proffered by the government establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the appearance of defendant MARTIN MARTINEZ-VALLADARES if he were to be released from custody at this time. A detainer has been placed on this defendant by immigration authorities due to his status as an illegal alien. The weight of evidence against this defendant appears to be strong; the defendant re-entered the United States without authority after having been previously deported. Under these circumstances, it appears that the defendant poses a serious risk of flight and that pretrial detention is required. With the agreement of the court, the defendant reserves the right to present additional evidence to the court in the event such should later be found by his attorney.

PART III - DIRECTIONS REGARDING DETENTION

The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 20th day of DECEMBER, 2005.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE